

**U.S. District Court  
Western District of Virginia (Danville)  
CIVIL DOCKET FOR CASE #: 4:17-cv-00027-JLK-RSB**

Hill v. Executive Office for United States Attorneys et al  
Assigned to: Judge Jackson L. Kiser  
Referred to: Magistrate Judge Robert S. Ballou  
Case in other court: USCA, 17-01866  
Cause: 05:552 Freedom of Information Act

Date Filed: 04/25/2017  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****Brian David Hill**

represented by **Brian David Hill**  
310 Forest Street  
Apt. 2  
Martinsville, VA 24112  
276-790-3505  
PRO SE

V.

**Defendant**

**Executive Office for United States  
Attorneys  
(EOUSA)**

represented by **Cheryl Thornton Sloan**  
United States Attorney's Office  
Middle District of North Carolina  
101 South Edgeworth Street, 4th Floor  
Greensboro, NC 27401  
336-333-5351  
Fax: 336-333-5357  
Email: [cheryl.sloan@usdoj.gov](mailto:cheryl.sloan@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**United States Department Of Justice  
(U.S. DOJ)**

represented by **Cheryl Thornton Sloan**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
04/25/2017	<u>1</u>	MOTION for Leave to Proceed in forma pauperis by Brian David Hill. (Attachment: # <u>1</u> Post-it Note Attached to IFP Motion)(mlh) (Entered: 04/26/2017)
04/25/2017	<u>2</u>	COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF against Executive Office for United States Attorneys, United States Department Of Justice, filed by Brian David Hill. 70 Day Notice due by 7/5/2017; 90 Day Service due by 7/24/2017. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> DVD for Defendants Marked as Exhibit 6 to be Served Upon Each Defendant, # <u>10</u> DVD for Clerk Marked as Exhibit 6 (Available for Viewing in Clerk's Office), # <u>11</u> Civil Cover Sheet, # <u>12</u> Post-it Note Attached to Complaint, # <u>13</u> Proposed Summons, # <u>14</u> Post-it Note Attached to Proposed Summons)(mlh) (Entered: 04/26/2017)
05/01/2017	<u>4</u>	MOTION Under Rule 45 Asking the Clerk to Subpoena Attorney John Scott Coalter for Discovery and to Prove the Factual Matter Under Complaint by Brian David Hill. Motion referred to Judge Robert S. Ballou. (Attachments: # <u>1</u> Declaration of Evidence, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Proposed Subpoena, # <u>9</u> Envelope)(mlh) Modified on 6/19/2017 - added referral text (ham). (Entered: 05/04/2017)

05/04/2017	<u>3</u>	ORDER granting <u>1</u> Motion for Leave to Proceed in forma pauperis. Signed by Judge Jackson L. Kiser on 5/4/2017. (mlh)
05/08/2017	<u>5</u>	Summons Issued as to Executive Office for United States Attorneys, United States Department Of Justice and U.S. Attorney. (Attachments: # <u>1</u> USM-285 Forms)(Original Summons, original USM-285 Forms, copies of Complaint with Attachments, three copies of DVDs identified on Docket Sheet as Exhibit 10 to Document 2 and copy of Order to Proceed Without Prepaying Fees or Costs were overnighted using two-day delivery to USMS for service.)(mlh)
05/18/2017	<u>6</u>	SUMMONS Returned Executed by Brian David Hill. Executive Office for United States Attorneys served on 5/12/2017, answer due 7/11/2017; United States Department Of Justice served on 5/12/2017, answer due 7/11/2017. (mlh)
05/19/2017	<u>7</u>	Marshal's Return of service of Summons and Complaint on 5/15/17 upon United States Department of Justice.(ham)
05/19/2017	<u>8</u>	Marshal's Return of service of Summons and Complaint on 5/16/17 upon Executive Office for United States Attorneys.(ham)
06/09/2017	<u>9</u>	ANSWER to <u>2</u> Complaint,, <i>FOR DECLARATORY AND INJUNCTIVE RELIEF</i> by Executive Office for United States Attorneys, United States Department Of Justice.(Sloan, Cheryl)
06/09/2017	<u>10</u>	Magistrate Consent Notice to Parties. (mlh)
06/09/2017	<u>11</u>	PRETRIAL ORDER, Order Referring Case to Magistrate Judge Robert S. Ballou. Signed by Judge Jackson L. Kiser on 6/9/2017. (mlh)
06/12/2017	<u>12</u>	Brief / Memorandum in Support re: <u>4</u> MOTION Under Rule 45 Asking the Clerk to Subpoena Attorney John Scott Coalter for Discovery and to Prove the Factual Matter Under Complaint and Declaration in Support of <u>2</u> Complaint filed by Brian David Hill. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Envelope)(mlh)
06/16/2017	<u>13</u>	MOTION Asking the Court to Request Legal Counsel to Represent the Plaintiff by Brian David Hill. (mlh)
06/16/2017	<u>14</u>	Objections by Plaintiff Brian David Hill re: <u>9</u> Answer to Complaint. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Envelope)(mlh)
06/19/2017	<u>15</u>	NOTICE of Hearing: <b>(CR)</b> Bench Trial set for 1/29/2018 – 1/31/2018 at 09:30 AM in Danville before Judge Jackson L. Kiser. <b>Parties must contact the Clerk's Office no later than five (5) business days before the scheduled trial date for your technology needs.</b> (ham)
06/20/2017	<u>16</u>	ORDER denying <u>13</u> MOTION Asking the Court to Request Legal Counsel to Represent the Plaintiff. Signed by Judge Jackson L. Kiser on 6/20/2017. (mlh)
06/20/2017	<u>17</u>	Brief in Support of <u>13</u> Motion Asking the Court to Request Legal Counsel to Represent the Plaintiff filed by Brian David Hill. (mlh)
06/20/2017	<u>18</u>	MOTION AND SUPPORTING BRIEF to Extend Time for Filing Motions by Brian David Hill. (mlh)
06/20/2017	<u>19</u>	MOTION for Issuance of Subpoenas to Produce Documents and for Subpoenas to Appear and Testify at a Hearing or Trial in a Civil Action by Brian David Hill. Motions referred to Judge Robert S. Ballou. (Attachments: # <u>1</u> Proposed Subpoena to Produce Documents to Office of Information Policy, U.S. Department of Justice, # <u>2</u> Proposed Subpoena to Appear and Testify to Christa Lemelin, Office of Government Information Services, # <u>3</u> Subpoena to Produce Documents to Rodney V. White, Special Agent, North Carolina State Bureau of Investigation, # <u>4</u> Subpoena to Appear and Testify to Rodney V. White, Special Agent, North Carolina State Bureau of Investigation)(mlh)
06/22/2017	<u>20</u>	PROPOSED SUBPOENA to Produce Documents to Town of Mayodan, Police Department filed by Brian David Hill. (mlh) Modified on 7/19/2017: Pursuant to <u>32</u> Order, Clerk is not to issue proposed subpoena. (mlh)

06/23/2017	<u>21</u>	MOTION and Supporting Brief to Expedite the Trial Proceedings by Brian David Hill. (Attachment: # <u>1</u> Envelope)(mlh)
06/23/2017	<u>22</u>	ORDER denying <u>18</u> Motion to Extend Time for Filing Motions. Signed by Judge Jackson L. Kiser on 6/23/2017. (mlh)
07/03/2017	<u>23</u>	MOTION to Appoint Counsel by Brian David Hill. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Attachment 1, # <u>4</u> Attachment 2, # <u>5</u> Notes attached to Motion)(bw)
07/03/2017	<u>24</u>	Declaration in Support re <u>2</u> Complaint filed by Brian David Hill. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Notes attached to documents)(bw)
07/06/2017	<u>25</u>	ORDER denying <u>23</u> Motion Asking the Court to Request Legal Counsel to Represent the Plaintiff. Signed by Judge Jackson L. Kiser on 7/6/2017. (mlh)
07/11/2017	<u>27</u>	MOTION and Supporting Brief Requesting Pretrial Status Conference for Discovery Matter by Brian David Hill. Motion referred to Judge Robert S. Ballou. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Attachment 1, # <u>4</u> Envelope)(mlh)
07/12/2017	<u>28</u>	MOTION to Quash <i>DISCOVERY REQUESTS, OR IN THE ALTERNATIVE, TO STAY DISCOVERY</i> by Executive Office for United States Attorneys, United States Department Of Justice. (Sloan, Cheryl) Modified on 7/13/2017: Motion referred to Judge Robert S. Ballou. (mlh)
07/12/2017	<u>29</u>	Brief / Memorandum in Support re <u>28</u> MOTION to Quash <i>DISCOVERY REQUESTS, OR IN THE ALTERNATIVE, TO STAY DISCOVERY</i> . filed by Executive Office for United States Attorneys, United States Department Of Justice. (Sloan, Cheryl)
07/17/2017	<u>31</u>	RESPONSE in Opposition re: <u>28</u> MOTION to Quash <i>DISCOVERY REQUESTS, OR IN THE ALTERNATIVE, TO STAY DISCOVERY</i> and DECLARATION OF PLAINTIFF IN SUPPORT OF <u>27</u> Motion and Supporting Brief Requesting Pretrial Status Conference for Discovery Matter filed by Brian David Hill. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 2: Video Disc for Clerk to File, # <u>10</u> Exhibit 8: Audio Disc for Clerk to File)(ALL EXHIBITS, INCLUDING VIDEO DISC AND AUDIO DISC, AVAILABLE FOR VIEWING IN THE CLERK'S OFFICE DUE TO CLARITY OF EXHIBIT 3.)(mlh) (Entered: 07/19/2017)
07/19/2017	<u>32</u>	ORDER denying <u>4</u> Motion Under Rule 45 Asking the Clerk to Subpoena Attorney John Scott Coalter for Discovery and to Prove the Factual Matter Under Complaint; denying <u>19</u> Motion for Issuance of Subpoenas to Produce Documents and Subpoenas to Appear and Testify at a Hearing or Trial in a Civil Action; denying issuance of <u>20</u> Proposed Subpoena to Town of Mayodan Police Department; denying <u>27</u> Motion and Supporting Brief Requesting Pretrial Status Conference for Discovery Matter; granting <u>28</u> Motion to Quash Discovery Requests, or in the alternative, to Stay Discovery. Signed by Magistrate Judge Robert S. Ballou on 7/19/2017. (mlh)
07/24/2017	<u>33</u>	NOTICE OF INTERLOCUTORY APPEAL as to <u>32</u> ORDER denying <u>4</u> Motion Under Rule 45 Asking the Clerk to Subpoena Attorney John Scott Coalter for Discovery and to Prove the Factual Matter Under Complaint; denying <u>19</u> Motion for Issuance of Subpoenas to Produce Documents and Subpoenas to Appear and Testify at a Hearing or Trial in a Civil Action; denying issuance of <u>20</u> Proposed Subpoena to Town of Mayodan Police Department; denying <u>27</u> Motion and Supporting Brief Requesting Pretrial Status Conference for Discovery Matter; granting <u>28</u> Motion to Quash Discovery Requests, or in the alternative, to Stay Discovery by Brian David Hill. (Attachment: # <u>1</u> Envelope)(mlh)
07/24/2017	<u>34</u>	Transmittal of Notice of Appeal to 4CCA re: <u>33</u> Notice of Interlocutory Appeal. <b>NOTE: The Docketing Statement and Transcript Order Form are available on the 4th Circuit Court of Appeals website at <a href="http://www.ca4.uscourts.gov">www.ca4.uscourts.gov</a>. If CJA24 form(s) are applicable, you must submit a separate Auth-24 for each court reporter from whom you wish to order a transcript through the District Court's eVoucher system.</b> (mlh)
07/24/2017		Assembled Electronic Record Transmitted to 4CCA re: <u>33</u> Notice of Interlocutory Appeal. (mlh)

07/25/2017	<u>35</u>	ORDER denying <u>21</u> Motion to Expedite the Trial Proceedings. Signed by Judge Jackson L. Kiser on 7/25/2017. (mlh)
07/25/2017	<u>36</u>	NOTICE of Docketing Record on Appeal from USCA re: <u>33</u> Notice of Interlocutory Appeal filed by Brian David Hill. USCA Case Number 17-1866; Case Manager: RJ Warren. (mlh)
08/01/2017	<u>37</u>	Plaintiff's Motion to Reconsider the Magistrate Judge's Order Under Document #32 and Objections to the Order; Motion, Objections and Memorandum/Brief in Support of This Objection re: <u>32</u> Order denying <u>4</u> Motion Under Rule 45 Asking the Clerk to Subpoena Attorney John Scott Coalter for Discovery and to Prove the Factual Matter Under Complaint; denying <u>19</u> Motion for Issuance of Subpoenas to Produce Documents and Subpoenas to Appear and Testify at a Hearing or Trial in a Civil Action; denying issuance of <u>20</u> Proposed Subpoena to Town of Mayodan Police Department; denying <u>27</u> Motion and Supporting Brief Requesting Pretrial Status Conference for Discovery Matter; granting <u>28</u> Motion to Quash Discovery Requests, or in the alternative, to Stay Discovery by Brian David Hill. (mlh)
08/01/2017		Assembled Supplemental Electronic Record Transmitted to 4CCA re: <u>33</u> Notice of Interlocutory Appeal. (Document 37 transmitted.) (mlh)
08/22/2017	<u>38</u>	ORDER denying <u>37</u> Plaintiff's Motion to Reconsider the Magistrate Judge's Order Under Document #32 and Objections to the Order; Motion, Objections and Memorandum/Brief in Support of This Objection. Signed by Judge Jackson L. Kiser on 8/22/2017. (mlh)
08/22/2017		Assembled Supplemental Electronic Record Transmitted to 4CCA re: <u>33</u> Notice of Interlocutory Appeal. (Document 38 transmitted.) (mlh)
09/06/2017	<u>39</u>	Declaration in Support of Document #2 Complaint, and New Evidence Concerning Possible Dishonesty of the U.S. Attorney Office of Greensboro, North Carolina by Brian David Hill. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5)(mlh)
09/06/2017		Assembled Supplemental Electronic Record Transmitted to 4CCA re: <u>33</u> Notice of Interlocutory Appeal. (Document 39 transmitted.) (mlh)
09/25/2017	<u>40</u>	Additional Evidence – Plaintiff's Declaration in Support of Document <u>2</u> Complaint, and New Evidence Concerning New FOIA Document Release from Defendant EOUSA 1 Day After Call-In Appearance on INFOWARS New Show "War Room" with Owen Shroyer by Brian David Hill. (Attachments: # <u>1</u> Exhibit 1 – 2 DVD discs (3 copies), # <u>2</u> Exhibit 2 – 9/13/17 Letter and enclosures from Kevin Krebs, Assistant Director, Executive Office for United States Attorneys, # <u>3</u> Exhibit 3 – Incident/Investigation Report, # <u>4</u> Exhibit 4 – Case Supplemental Report, # <u>5</u> Envelope and Certified Mail Receipt) <a href="#">NOTE: DVDs are available for viewing in Clerk's Office.</a> (ham)
09/25/2017		Assembled Supplemental Electronic Record Transmitted to 4CCA re <u>33</u> Notice of Interlocutory Appeal: Document 40. (ham)
10/19/2017	<u>41</u>	USCA Memorandum Opinion from 4th Circuit re: <u>33</u> Notice of Interlocutory Appeal; dismissing; decided on 10/19/2017. (mlh)
10/19/2017	<u>42</u>	USCA JUDGMENT as to <u>33</u> Notice of Interlocutory Appeal filed by Brian David Hill. (mlh)
11/06/2017	<u>43</u>	USCA Notice of Stay of Mandate Under Fed. R. App. P. 41(d)(1). (mlh)
11/27/2017	<u>44</u>	PLAINTIFF'S FIRST STATUS REPORT by Brian David Hill. (mlh)
11/27/2017		Assembled Supplemental Electronic Record Transmitted to 4CCA re: <u>33</u> Notice of Interlocutory Appeal: Document 44 transmitted. (mlh)
11/30/2017	<u>45</u>	STATUS REPORT by Executive Office for United States Attorneys, United States Department Of Justice (Sloan, Cheryl)
11/30/2017	<u>46</u>	ORDER setting forth that no action will be taken in this case regarding Paragraph 3 of <u>44</u> Plaintiff's First Status Report filed by Brian David Hill until the Fourth Circuit's mandate is issued on Plaintiff's appeal. Signed by Judge Jackson L. Kiser on

		11/30/2017. (mlh)
--	--	-------------------